



ADMINISTRATIVE OFFICES

8353 UNIVERSITY BOULEVARD • MOON TOWNSHIP, PA 15108-2597 • 412-264-9440 • FAX: 412-264-3268

October 21, 2013

Mr. Michael Baker
mbaker@sssd.k12.pa.us

Dear Mr. Baker:

I am not certain whether your requests for information were made under the Right to Know Law (RTKL) as you never submitted a formal written RTKL request. However, I am aware from your communications with Ms. Caroline Johns, Acting Superintendent, that your request was for the following:

"The cited sources from the bottom of page 79 of the DSA are what I would like to review. If possible, any commentary from Dr. Stewman detailing how individual elementary school population projections used the cited sources in calculation would be helpful."

It is my understanding that the "cited sources" which you reference are identified in the DSA Report as follows:

Data sources: Moon Township: Yearly new housing permits (1998-2013) annual Planning Commission Reports (1993-1997) and discussions with Moon Township staff; Crescent Township: US Census housing permit data and brief discussion with Crescent Township staff, particularly regarding the Parkwood development.

In my capacity as the Open Records Officer for the Moon Area School District, for the reasons which follow, your request is denied.

First, neither the School District nor Dr. Stewman have copies of the Moon Township yearly new housing permits (1998-2013) or the Moon Township Planning Commission Reports (1993-1997). While Dr. Stewman may have reviewed those documents at the Moon Township Municipal Building, no copies were made. Therefore, although you may request access to the Moon Township Housing Permits and Planning Commission Reports directly from Moon Township, they are not School District records. Therefore, your request is denied under Section 705 of the RTKL as no such documents exist in the records of the School District. With regard to your request for "commentary from Dr. Stewman," any such "commentary" is contained in the body of the DSA Report. To the extent that your request is for the research notes of Dr. Stewman, that request is denied as any such research notes, memos or other documents used by Dr. Stewman in the preparation of the DSA Report constitute pre-decisional deliberations and, as such, are not subject to disclosure under Section 708(b)(10)(i)(A) of the RTKL.

Your request for Crescent Township US Census housing permit data is also denied as those documents are neither School District records nor in the possession of Dr. Stewman. It is my understanding that Dr. Stewman reviewed the US Census housing permit data on-line and can also be accessed by you on-line as well. Regardless, this request is denied under Section

705 of the RTKL as those documents do not exist in the records of the School District or Dr. Stewman.

To the extent that it was your intention to submit your request under the RTKL, you have the right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania, 17120. If you choose to file an appeal, you must do so within fifteen (15) business days of the mailing date of the School District's response, as outlined in Section 1101 of the Right-to-Know Law. Please note that a copy of your original Right-to-Know request letter and this denial must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the School District has denied your request. Visit the Office of Open Records website at <http://openrecords.state.pa.us> for further information on filing an appeal. If you have further questions, please call the undersigned, Alan Bennett, Open Records Officer/Director of Fiscal & School Services/Transportation. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Alan Bennett
Open Records Officer,
Director of Fiscal and School Services

Moon Area School District
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